



1 **CUSTOMER NUMBER 25268**
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3 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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5 Applicants: Fauver et al. Attorney Docket No: UNIV0130
6 Serial No: 09/994,377 Group Art Unit: 2874
7 Filed: November 26, 2001 Examiner: Healy, Brian
8 Title: MICRO-FABRICATED OPTICAL WAVEGUIDE FOR USE IN SCANNING
9 FIBER DISPLAYS AND SCANNED FIBER IMAGE ACQUISITION

10 **TELEPHONE INTERVIEW REGARDING IMPROPER REJECTION/**
11 **RESPONSE RELATED TO APRIL 20, 2004 OFFICE ACTION**

12 Bellevue, Washington 98004
13

14 May 19, 2004
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16 In response to the Office Action dated April 20, 2004, applicants' undersigned attorney
17 conducted a telephone interview with the Examiner on May 4, 2004. A summary of the telephone
18 interview is included below.

19 **REMARKS**
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21 **Summary of Telephone Interview**
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23 During the telephone interview on May 4, 2004, applicants' attorney pointed out that the only
24 reference cited by the Examiner in rejecting Claims 1, 8 – 17, 32, and 38 – 45 is a co-pending patent
25 application, U.S. Serial No. 09/850,594, in which applicants claimed priority in the section of page 1
26 of the present application, entitled "Related Applications." Specifically, that portion of applicants'
27 specification on page 1, lines 5 – 9 states that "[T]his application is based on a prior copending
28 provisional application Serial No. 60/253,445, filed on November 27, 2000, the benefit of the filing
29 date of which is hereby claimed under 35 U.S.C. § 119(e), and is a continuation-in-part of U.S. Patent
30 application, Serial No. 09/850,594, filed May 7, 2001, the benefit of the filing date of which is hereby
claimed under 35 U.S.C. § 120." Applicants' attorney pointed out that the rejection based on
applicants' priority application was improper. The Examiner agreed to review the matter and to call
back on the next day.

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Applicants' attorney received a voice mail left by the Examiner on May 5, 2004. In the voice mail, the Examiner agreed that the rejection was improper and would be withdrawn. Accordingly, applicants will make no further response to the currently outstanding Office Action.

Respectfully submitted,

Ron Anderson

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RMA:lrq

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on May 19, 2004.

Date: May 19, 2004

Kathy Parlein